

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

EARL VANTREASE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:06-0538
)	Judge Echols
)	
CHRIS LUNA, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on a Report and Recommendation (R & R) (Docket Entry No. 41) in which the Magistrate Judge recommends: (1) partially granting the Renewed Motion for Summary Judgment (Docket Entry No. 30) filed by Defendants Chris Luna and Titus Kelley; (2) dismissing Plaintiff's federal constitutional claims; and (3) remanding the remaining state law claims to the Circuit Court for Wilson County, Tennessee. The R & R was issued on August 13, 2007, and Plaintiff has filed no objections thereto, even though he was informed in the R & R that any objections needed to be filed within ten (10) days (Docket Entry No. 41 at 25).

This is an action which was originally filed in the Circuit Court for Wilson County, Tennessee. After the case was removed to this Court, Plaintiff, pro se, filed a nine-count Amended Complaint in which he alleges that his rights as secured by federal and state law were violated by the actions of the Defendants following a

traffic stop for an alleged seatbelt infraction. In the R & R, the Magistrate Judge concludes, inter alia, that the Defendants were entitled to qualified immunity on the claims against them under federal law for money damages, that Plaintiff failed to proffer sufficient evidence to support an Equal Protection Claim, and that Plaintiff's Fourth Amendment claim failed because he could not show the non-existence of probable cause to make the traffic stop. With those conclusions, the Magistrate Judge recommends granting summary judgment to Defendants on the federal claims, and remanding the case to the Wilson County Circuit Court for resolution of the state law claims. Where, as here, no objections are made to the R & R, "[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." Fed.R.Civ.P. 72(b). Having carefully reviewed the entire record in this case, the Court finds that the Magistrate Judge correctly applied the summary judgment standards to the facts presented in relation to the federal claims, and properly concluded that with dismissal of the federal claims, the state law claims should be remanded to state court.

Accordingly, the Court rules as follows:

(1) The Report and Recommendation (Docket Entry No. 41) is hereby ACCEPTED;

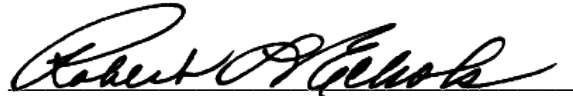
(2) The Renewed Motion for Summary Judgment filed by Defendants Chris Luna and Titus Kelly (Docket Entry No. 30) is hereby GRANTED

IN PART and DENIED IN PART. The Motion is GRANTED with respect to the federal claims alleged in the Amended Complaint, but DENIED with respect to the state law claims alleged in the Amended Complaint;

(3) The federal claims alleged in the Amended Complaint are hereby DISMISSED WITH PREJUDICE; and

(4) Pursuant to 28 U.S.C. § 1441(c), the state law claims alleged in the Amended Complaint are hereby REMANDED to the Wilson County Circuit Court for its adjudication.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE